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AUTHOR	Knoblauch, Bernadette; McLane, Kathleen
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ABSTRACT

This digest summarizes the rights and responsibilities of parents of children in the special education process under the Individuals with Disabilities Education Act (IDEA) Amendments of 1997. Among 12 rights listed are a free appropriate public education for every child, written notification for any proposed evaluations, re-evaluation or change in placement, informed consent concerning evaluation and programmatic decisions, evaluation of the child in his or her primary language, access to student records, participation in all individualized education program (IEP) or individualized family service plan (IFSP) team decisions, being informed of student progress at least as often as parents of children without disabilities, and voluntary mediation or a due process hearing to resolve differences with the school. Among the eight parental responsibilities listed are: asking for explanations of any unclear program aspects, making sure that IEP or IFSP goals and objectives are specific, monitoring the child's progress, keeping records, and joining a parent organization. The digest also suggests ways that parents can help the IEP or IFSP process, such as identifying the specific things the parent feels the child should learn, understanding the related services being provided, and discussing methods of effective discipline. Suggested organizational resources are also listed. (CR)

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RIGHTS & RESPONSIBILITIES OF PARENTS OF CHILDREN WITH DISABILITIES: UPDATE 1999

By

BERNADETTE KNOBLAUCH &
KATHLEEN MCLANE

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ERIC Clearinghouse on Disabilities and Gifted Education
The Council for Exceptional Children
1920 Association Drive, Reston, VA 20191-1589
1-800-328-0272; ericec@cec.sped.org; http://ericec.org

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Rights and Responsibilities of Parents of Children with Disabilities: Update 1999

Bernadette Knoblauch and Kathleen McLane

What Are Your Rights, as a Parent, in the Special Education Process?

Public Law 105-17, the Individuals with Disabilities Education Act (IDEA) Amendments of 1997, enhances the rights of children with disabilities and their parents. It builds on the rights provided under Public Law 94-142, the Education for All Handicapped Children Act, of 1975. A fundamental provision of these laws is the right of parents to participate in the educational decision-making process. Currently this includes the right to:

- A free appropriate public education for your child. "Free" means at no cost to you as parents or to your child, except for incidental fees normally charged to parents of students without disabilities as part of the regular education programs. "Appropriate" means that your child's program must be individually designed to meet his or her unique educational needs.

- Request an evaluation if you think your child has an impairment that may require special education or related services. You also have the right to get an independent evaluation if you disagree with the evaluation obtained by the school.

- Be notified in writing ("written prior notices") whenever the school proposes any of the following: an evaluation to determine whether your child has a disability; a reevaluation; or a change in your child's educational placement. You are also entitled to be notified in writing if the school refuses your request for an evaluation or change in educational placement for your child.

- Informed consent. This means you understand and agree in writing to the evaluation and educational placement decisions for you child. Your consent is voluntary and may be withdrawn at any time.

- Request a reevaluation of your child at any time. The school must reevaluate your child if conditions warrant, or if you or your child's teacher requests a reevaluation; but in any case, the school must reevaluate the child at least once every three years.

- Have your child tested in the language he or she knows best. For example, if your child's primary language is Spanish, this is the language in which he or she must be tested. Students who are deaf have the right to an interpreter during the testing. Students who are blind or visually impaired have the right to have the tests provided in Braille or large print, or to have the test read aloud.

- Have access to your child's education records. A school must comply with a parent's request to inspect and review his or her child's education records within 45 days of the receipt of the request. Generally, schools must have written consent from the parent before releasing any information from the student's records. However, records can be released to certain education officials without the parent's consent. If you feel that some information in your child's records is inaccurate or misleading or violates your child's rights, you may request that the record be changed. If the school refuses, you have the right to request a hearing, or you may file a complaint with your state education agency.

- Be fully informed by the school of all rights that are provided to you under the law and all procedural safeguards that the school must follow to ensure that the rights of all are protected.

- Participate in the development of your child's individualized education program (IEP) or, if your child is under age 3, individualized family service plan (IFSP). You have the right to participate in all IEP or IFSP team decisions, or any other decisions regarding your child. The school must make every possible effort to notify you of the IEP or IFSP meeting and then arrange it at a time and place that is convenient for both you and the school. The school is responsible for reviewing this plan at least once each year, but you have the right to request an IEP or IFSP meeting at any time during the school year.

- Be kept informed about your child's progress, by means such as periodic report cards, at least as often as parents of children who do not have disabilities.

- Have your child educated in the least restrictive environment. This means that, to the maximum extent possible, your child should be educated in regular classes with his or her nondisabled peers, and your child should receive supplementary aids and services in his or her neighborhood school. If education outside the regular classroom is determined to be most appropriate, your child should be educated in the most integrated setting possible.

- Voluntary mediation or a due process hearing to resolve differences with the school that can not be resolved informally. Be sure you make your request in writing, date your request, and keep a copy.

What Are Your Responsibilities, as a Parent, in the Special Education Process?

Parents have a key role in the special education process. The following suggestions may offer some guidance:

- Develop a partnership with the school. Share relevant information about your child's education and development. Your observation can be a valuable resource.
- Ask for an explanation of any aspect of the program that you don't understand. Educational terms can be confusing, so do not hesitate to ask.
- Make sure the IEP or IFSP goals and objectives are specific and measurable. This will ensure that everyone teaching your child is working toward the same goals. Take the IEP or IFSP home to think about it before you sign it. You have 10 school days in which to make a decision.
- Make sure your child is included in the regular school activities program as much as is appropriate, including, at least, lunch, recess, and nonacademic areas such as art, music, and physical education.
- Monitor your child's progress and periodically ask for a report. If your child is not progressing, discuss it with the teacher and determine whether the program should be modified. As a parent, you can initiate changes in your child's educational program.
- Try to resolve directly with the school any problems that may occur with your child's evaluation, placement, or educational program. Most states have protection and advocacy agencies that can provide you with the guidance you need to resolve a problem.
- Keep records. There may be questions about your child that you will want to discuss, as well as meetings and phone conversations you will want to remember. It is easy to forget important information that is not written down.
- Join a parent organization. Besides sharing knowledge, experiences, and support, a parent group often can be an effective force on behalf of your child. Parents often find that, as a group, they have the power to bring about needed changes to strengthen special services.

As the Parent of a Child with a Disability, What Can You Offer the IEP or IFSP Process?

Parents of children with disabilities can and should be involved in a number of ways, including the following:

- Before attending an IEP or IFSP meeting, make a list of things you want your child to learn. Take notes about aspects of your child's behavior that could interfere with the learning process. Describe the methods you have found to be successful in dealing with these behaviors.
- Bring any information the school may not already have to the IEP or IFSP meeting. Examples include copies of medical records, past school records, or test or evaluation results. Remember, reports do not say all there is to say about a child. You can add real-life examples to demonstrate your child's ability in certain areas.
- Find out what related services are being provided, and ask each professional to describe the kind of service he or she will be providing and what improvement you might expect to see as a result of these services.
- Ask what you can do at home to support the program. Many skills your child learns at school can also be used at home. Ask to meet with the teacher when your child is learning a new skill that could be practiced at home.
- Discuss methods for handling discipline problems that you know are effective with your child.
- When you feel teachers and school personnel are doing a good job, tell them.

What Resources Are Available to Help You?

Your local and state education agencies have information to help guide you through the special education process. Since the specific criteria and procedures used by school districts may vary, your local director of special education can help you access such information. Additional resources are available from national organizations. Some of them will also be able to direct you to local and state chapters that can provide more local support.

The ARC
500 East Border Street, Suite 300, Arlington TX 76010

Children with Attention Deficit Disorders (CHADD)
499 NW 70th Avenue, Suite 308, Plantation, FL 33317

The Council for Exceptional Children
1920 Association Drive, Reston, VA 20191-1589

Learning Disability Association (LDA)
4156 Library Road, Pittsburgh, PA 15234

National Information Center for Children and Youth with Disabilities (NICHCY)
PO Box 1492, Washington, DC 20013

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